

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 239 OF 2007

Manfred George Keiler

...Petitioner

Versus

Bharat Hotels Limited and another

...Respondents

Mr. Ahmed Abdi, instructed by M/s. Abdi & Co., for the petitioner.

Mr. B.A. Desai, Additional Solicitor General, along with Mr. A.S. Sayed and Ms.Nisha Valani for respondent No.1.

Mr. R.M. Kadam, Advocate General, along with Mr. K.R. Belosey, Government Pleader, for respondent Nos. 2 to 4.

Mr. R.N. Narula, along with Mr. A. Dasgupta, instructed by M/s. Jhangiani, Narula & Associates, for respondent Nos. 5 and 6.

CORAM: [J.N. PATEL, Ag. C.J., &](#)
[S.C. DHARMADHIKARI, J.](#)

DATE: MARCH 07, 2007.

P.C.

On the last day, when the matter was being heard, we were informed by the learned counsel for the petitioner that the petitioner be permitted to stay and reside at Mumbai for the sake of his family and child's education. But what we have found is that time and again the petitioner has sought adjournment and even today he has not tendered a proper undertaking to this Court.

2. We had conceded to such a request as the petitioner was issued visa against his employment and after his cancellation of employment visa, the impugned order to leave India came to be passed by the respondent authorities. The petitioner had approached the City Civil Court seeking injunction restraining respondent Nos. 5 and 6 from dispossessing the petitioner from his residential accommodation. The petitioner has settled with his employer and agreed to vacate the accommodation given in the course of his employment by 15th March, 2007, and thereafter the petitioner, through his advocate, made a specific request that he may be allowed to reside at Mumbai under the said employment visa till 31st March, 2007.

3. In our view, in the peculiar facts and circumstances, and particularly that the petitioner has not kept up his commitment to this Court, no indulgence can be shown to the petitioner and we refuse to intervene with the impugned order. Petition is accordingly dismissed. The request made on behalf of the petitioner for leave to prefer an appeal against this order is rejected.

ACTING CHIEF JUSTICE

S.C. DHARMADHIKARI, J.